DOCKET NO.: 2007-0130-PWS-E TCEQ ID: RN101386605
RESPONDENT NAME: City of Megargel

**CASE NO.:** 32519

ORDER TYPE:		
1660 AGREED ORDER	X FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	_OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Public water sup  SMALL BUSINESS: Yes X  OTHER SIGNIFICANT MATTERS: Ther Docket No. 2007-0574-PWS-E  INTERESTED PARTIES: No one other that COMMENTS RECEIVED: The Texas Reg  CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator David Van Soest, Enforcement Div Respondent: The Honorable Dann	e are no complaints. There is one pending enforcer on the ED and the Respondent has expressed an intesister comment period expired on September 24, 200 or: None  Mr. Clinton Sims, Enforcement Division, Enforce	nent action regarding this facility location, rest in this matter.  7. No comments were received.  ement Team 7, MC 128, (512) 239-6933; Mr.

# **RESPONDENT NAME:** City of Megargel **DOCKET NO.:** 2007-0130-PWS-E

#### VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS **VIOLATION INFORMATION** PENALTY CONSIDERATIONS TAKEN/REQUIRED 19001 · 12 不同的 一大小 日本设计部 编辑数数 MAGINO CARRADA ADMINISTRA Type of Investigation: Total Assessed: \$2,473 **Ordering Provisions:** Complaint Routine Total Deferred: \$0 The Order will require the Respondent to: Enforcement Follow-up Expedited Settlement X Records Review a. Within 30 days after the effective date of this Agreed Order, design and Financial Inability to Pay implement process changes to ensure Date(s) of Complaints Relating to this Case: None SEP Conditional Offset: \$0 compliance with the required turbidity levels and begin reporting the results of Date of Investigation Relating to this Total Paid (Due) to General Revenue: \$173 the individual filter monitoring tests; and # 1997 N Case: August 11, 2006 (remaining \$2,300 due in 23 monthly payments b. Within 45 days after the effective date of \$100 each) Date of NOV/NOE Relating to this Case: of this Agreed Order, submit written October 26, 2005 and September 1, 2006 certification and include detailed **Site Compliance History Classification** (NOVs) \_\_ High \_\_\_ Average \_\_ Poor supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Background Facts: This was a routine **Person Compliance History Classification** Provision a. record review. Four violations were High X Average Poor documented. Major Source: \_\_\_ Yes \_X\_ No WATER Applicable Penalty Policy: September 2002 1) Failed to maintain the turbidity level of the combined filter effluent so as not to Findings Orders Justification: The exceed 1.0 Nephelometric Turbidity Unit Respondent has three repeated enforcement ("NTU") [30 Tex. Admin. Code § actions over the prior five year period for the 290.111(b)(1)(A)(i)]. same violation. 2) Failed to maintain the turbidity level of the combined filter effluent so as not to exceed 0.3 NTU in at least 95% of the samples tested each month [30 TEX. ADMIN. CODE § 290.111(b)(1)(A)(ii)]. 3) Failed to maintain the turbidity level of the combined filter effluent below 5.0 NTU [30 Tex. Admin. Code § 290.111(f)(4)]. 4) Failed to report the results of the individual filter monitoring tests [30 Tex. ADMIN. CODE § 290.111(f)(2)].

Policy Revision 2 (Sept	Penalty Calculation	n Worksheet (P	CW) PCW Revision De	ecember 8, 2006
TOFO		7 <sub>1</sub> 1 - 14/2		
DATES Assigned			No. of the contract of the con	
PCW	5-Feb-2007 <b>Screening</b> 5-Feb-2007	<b>EPA Due</b> 28-Feb-2006		
			· · · · · · · · · · · · · · · · · · ·	
RESPONDENT/FACILITY				
Reg. Ent. Ref. No.	City of Megargel			$\dashv$
Facility/Site Region		Major/Minor Source	Minor	
	3,5,5,5,5			
CASE INFORMATION				
Enf./Case ID No.		No. of Violations		-
	2007-0130-PWS-E	Order Type		
	Public Water Supply	Enf. Coordinator		┥, .
Multi-Media			EnforcementTeam 2	
Admin. Penalty \$ I	Limit Minimum \$50 Maximum	\$1,000		
	Penalty Calcula	ation Section		monorabelial (Gore
TOTAL BASE PENAL	TY (Sum of violation base penaltie	es)	Subtotal 1	\$1,860
.0	The state of the s			
ADJUSTMENTS (+/-)	TO SUBTOTAL 1			
Subtotals 2-7 are obtain	ned by multiplying the Total Base Penalty (Subtotal 1) by			0040
Compliance History		Enhancement Subt	otals 2, 3, & 7	\$613
A.L. C.	Enhancement recommended due to five No for violations that are same or similar and for	otices of Violation ("NOVs")		
Notes	are not same or similar and to			
	are not same or sin	mar.	J	
Culpability	No 0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the	e culpability criteria	-	
Notes	The Respondent does not meet the	e carpability criteria.		
Good Faith Effor	t to Comply 0%	Reduction	Subtotal 5	\$0
Good Faith Life	Before NOV NOV to EDPRP/Settlement Offer	Keducion	oubtotu. o	
Extraordinary				
Ordinary		v		
N/A	X (mark with x)		<b>-</b>	
Notes	The Respondent does not meet the	e good faith criteria		
Notes Notes	The Respondent does not meet the	e good faith chteria.		
	Contraction of the Contraction o		-	<u> </u>
	and the control of th	Enhancement* d at the Total EB \$ Amount	Subtotal 6	\$0
Approx.	Total EB Amounts \$1,875 *Capped Cost of Compliance \$15,150	at the Total LD \$ Amount		
			5 (A CO A C	
<b>SUM OF SUBTOTAL</b>	S 1-7		Final Subtotal	\$2,473
OTHER FACTORS A	S JUSTICE MAY REQUIRE		Adjustment	\$0
Reduces or enhances the Final S	Subtotal by the indicated percentage. (Enter number only	ly; e.g30 for -30%.)	- · · · · · · · · · · · · · · · · · · ·	
Notes				
				¢2 472
		Final Pe	enalty Amount	\$2,473
	A DIVIOTATENT			¢2 472
STATUTORY LIMIT	ADJUSTMENT	Final Ass	essed Penalty	\$2,473
		00/10/20/20/20	77 a	<u> </u>
DEFERRAL		0% Reduction	Adjustment	\$0
Reduces the Final Assessed Per	nalty by the indicted percentage. (Enter number only; e.	y. 20 IOI 20% reduction.)	7	
Motos	No deferral is recommended for	r Findings Orders		
Notes	TVO deterral is recommended for	T mango Oraolo.		

PAYABLE PENALTY

\$2,473

Screening Date 5-Feb-2007

Respondent City of Megargel

Case ID No. 32519

Reg. Ent. Reference No. RN101386605 Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Docket No. 2007-0130-PWS-E

Policy Revision 2 (September 2002) PCW Revision December 8, 2006

	Compliance History Workshee
>>	Compliance History Site Enhancement (Subtotal 2)

Component	Number of	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria).	5	25%
	Other written NOVs	4	8%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4 0 Rule	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final cour judgments or consent decrees without a denial of liability, of this state or the federa government		<b>0%</b> \all \all \all \all \all \all \all \al
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Culci	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No No	0%
	Adjustment F	Percentage (Su	ubtotal 2)
eat Violator (Su	btotal 3)		1044 <u> </u>
N/A	Adjustment F	Percentage (Su	ubtotal 3)
pliance History	Person Classification (Subtotal 7)		
Average Po	-	Percentage (Sເ	-
pliance History	Summary	pios noic	
Compliance History Notes	Enhancement recommended due to five Notices of Violation ("NOVs") for violations that are and four NOVs for violations that are not same or similar.	same or similar	ng ng garang
	Tadal Adington of Danasata	- (Cubbatal- 1	0 0 7
	Total Adjustment Percentage	e (Subtotals 2	2, 3, & 7)

Screening Date	5-Feb-2007	Docket No. 2007-0130-PWS-E	PCW
	City of Megargel		Policy Revision 2 (September 2002)
Case ID No.			PCW Revision December 8, 2006
Reg. Ent. Reference No.		•	000000
	Public Water Supply		THE STATE OF THE S
Enf. Coordinator		•	000000000000000000000000000000000000000
Violation Number			
Rule Cite(s)		30 Tex. Admin. Code § 290.111(b)(1)(A)(i)	· ·
Violation Description	1.0 Nephelometric	e turbidity level of the combined filter effluent so as not to e C Turbidity Unit ("NTU"). Specifically, the turbidity level of t effluent was greater than 1.0 NTU for one day in June 2005	the
		Base F	Penalty \$1,000
>> Environmental, Property a	and Human Health Harn Major Moder:	Matrix n	
OR Actual Potential		Percent 10%	
>>Programmatic Matrix	Major Modor	ate Minor	
Falsification	Major Moder	Percent 0%	
Matrix Notes Failure to ma		xposes customers to insignificant amounts of pollutants wi protective of human health or the environment.	
		Adjustment	\$900
Violation Events		ali eng karaganah sara apada sanga saraga saraga da sarag	· In the second
Number of Vi	olation Events 1	1 Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event x	Violation Base	Penalty \$100
	Or	ne single event is recommended.	
Economic Benefit (EB) for th	A SANGER OF A SECURITION OF THE SECURITION OF TH	Statutory Limit Test	
Estimate	d EB Amount	\$1,718 Violation Final Penal	ty Total \$133
		This violation Final Assessed Penalty (adjusted for	r limits) \$133

		conomic i	Benefit W	orks	sheet	ord olef gjál	and the little
Respondent	City of Megarge	el				1 - 0,3	
Case ID No.	32519					The second section	6.13
Reg. Ent. Reference No.	RN101386605						. 2
Media	Public Water S	vlaau				Danish Interest	Years of
Violation No.	1					Percent Interest	Depreciation
		La Calabara			January Reference	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	***************************************
Item Description	No commas or \$	Augustus (1946)	roetsias alama Sunstanto e alama	. (1895)			
Delayed Costs	10 15 18 10 18 18 1 F		ria de prese	ation to			
Equipment	A STATE OF STATE	sizersine e a		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	<u> </u>	ويديون بالشارية يتاوان ورا		0.0	\$0	\$0	\$0
Engineering/construction	A COLOR OF THE COLOR OF THE COLOR		And the second second	0.0	\$0	\$0	\$0
Land	100			0.01	\$0	n/a	\$0
Record Keeping System	11 1 1 1 1 1 N	2.63.1d18d.62.3C.12.3.3.3	Valsasilia salikanya:	0.0	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling				0.0	\$0	n/a	\$0 \$0
Remediation/Disposal Permit Costs				0,0	\$0 \$0	n/a	\$0 \$0
Other (as needed)	\$15,000	1-Jun-2005	15-Sep-2007	2.3	\$1.718	n/a	\$1.718
	Estimated cost	to design and imp	lement improveme	ents to t	reatment processe	es. The Date Requir	red is the month
Notes for DELAYED costs		n which the violation	on occurred. The	Final Da	ate is the estimate	es. The Date Required date of compliance	9. <sub>(17.0</sub> %)kentingsta
Avoided Costs		n which the violation	on occurred. The	Final Da	item (except for	d date of compliance	e. costs)
Avoided Costs		n which the violation	on occurred. The	Final Da	item (except for	d date of compliance one-time avoided of	osts) \$0
Avoided Costs Disposal Personnel	ANN	n which the violation	on occurred. The	ntering	item (except for \$0 \$0	one-time avoided of \$0	sosts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		n which the violation	on occurred. The	ntering 0.0 0.0 0.0	item (except for \$0 \$0 \$0	d date of compliance  one-time avoided of \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	n which the violation	on occurred. The	ntering   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	n which the violation	on occurred. The	ntering   0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	n which the violation	on occurred. The	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	d date of compliance one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	\$885.51,83	n which the violation	on occurred. The	ntering   0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	n which the violation	on occurred. The	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	d date of compliance one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$885.51,83	n which the violation	on occurred. The	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	d date of compliance one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scr	eening Date	5-Feb-2007	Docket	<b>No.</b> 2007-0130-PWS-E	PCW
I I	Respondent	City of Megargel			Policy Revision 2 (September 2002)
	Case ID No.	32519			PCW Revision December 8, 2006
Reg. Ent. Re	ference No.	RN101386605	•		
Med	dia [Statute]	Public Water Supply			
Enf. (	Coordinator	Amy Martin			
Vio	lation Number	2			······································
	Rule Cite(s)		30 Tex. Admin. Code § 29	0.111(b)(1)(A)(ii)	
Violatio	on Description	0.3 NTU in at least	95% of the samples tested e	ined filter effluent so as not to each month. Specifically, the an or equal to the 0.3 NTU lim August 2005.	turbidity
		Name of the second seco		Base	e Penalty \$1,000
>> Environmenta	ıl, Property a			And the Control of th	
30 C	Release	Ha Major Mode			
OR	Actual				
	Potential			Percent 25%	
	Lannon o esperaturatez est. mo a			COMPANY (C)	,
>>Programmatic	Maria de la Marcha e Martina de la casa de la compansión de la compansión de la compansión de la compansión de	The state of the s	AND AND PROPERTY OF THE PROPER		
lion in the second	Falsification	Major Mod	erate Minor	Doroont 00/	•
				Percent 0%	
Supleading the Samuel					
Matrix	Failure to ma			cant amounts of pollutants wh	ich do not
Notes		exceed levels	protective of human health of	r the environment.	
	<u> </u>				
official pales in the second	e in division dilitir	ekel itt miljorijanojnika kija eta italija salabinik		Adjustment	\$750
	2011-12- 14- 14- 14- 14- 14- 14- 14- 14- 14- 14		CONTRACTOR		
					\$250
Violation Events	all an also fisheral contracts	akamatiki wakazi sa			
violation Events			GERMANNESS SEE	AND SECTION OF SECTION	15 militarisini
	Number of Vio	olation Events	31	Number of violation day	vs.
		<u> </u>		·	
		daily			
		monthly	<u> </u>	at the second se	·
	mark only one	quarterly		Violation Bas	e Penalty \$250
	with an x	semiannual			
		annual			
		single event			
		C	ne monthly event is recomm	ended.	A Company of the Comp
Economic Benef	it (FB) for th	is violation		Statutory Limit Te	<b>S</b> †0.2888888888888888
Economic Delier		d EB Amount	<u>\$0</u>	Violation Final Pen	
	Estimate	a LD Amount	Ψ0]	Violation Final Pen	uity 10tai
	55. V. S.	personal region and proportion of the contract	This violation Final A	ssessed Penalty (adjusted t	for limits) \$332
a legal in the reservation of the contract of the Anna Anna Anna Anna Anna Anna Anna Ann		a sa a mata taga arta a Milla NASAM GARA	one region in the first transfer and the region of the first field of the first of the first of the first field of the first of the first field of the field of the first field of the fie	GREEK, LIBERTON TO BELLEKKEIN BEGING FÜR FRUNKTISCHE STERF	·····································

Case ID No						es in a second	
Reg. Ent. Reference No					100	mirita de la composición dela composición de la composición de la composición de la composición de la composición dela composición de la c	Years of
	Public Water S	upply				Percent Interest	Depreciation
Violation No	<b>,: 2</b> Scorpossing : 75, 55,				LI TERRETE E PERCENTANIO		mo Kara and datases
	States of the					5.0	10
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$	and the second	THE PROPERTY OF	Jungal St		Tradada M	
1	nggress, til til til Ammyr yeller i Kirl		a - 200, or -				
Delayed Costs	Single Hadraharden	STATE OF THE STATE	in the left of the last	u A Samiratica da		Louis librario	
Egulpment				0.0	\$0	\$0	\$0
Bulldings	12.60 (4.00 (4.00)	Marania 23 s	Granday States	0.0 .	\$0	\$0	\$0
Other (as needed)		Jude Chicery I Selve	Constanterigationistics.	0.0	\$0	\$0	\$0
Engineering/construction	ALC: NO.	College of the Co	Land and the land of the land	0,0	\$0	\$0	\$0
Land	THE STATE OF THE S		nerst edit i Alli	0.0	\$0	l n/a	\$0
Record Keeping System			y Transper in	0.0	\$0	n/a	\$0
Training/Sampling	بادناده بالبالي والرو			0.0	\$0	n/a see	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
, ,			H				
Notes for DELAYED costs		3.14	· · · · · · · · · · · · · · · · · · ·	violatio	n No 11	i kvisatnogar	ଲିକ୍ ଅନ୍ତ୍ୟିକ୍ଟମ୍ବର
Notes for DELAYED costs  Avoided Costs	S ANN	IUALIZE [1] avoid	· · · · · · · · · · · · · · · · · · ·	violation	No. 1	one-time avoided	costs):
Notes for DELAYED costs  Avoided Costs  Disposal	الزر ووادنان المستعدد		· · · · · · · · · · · · · · · · · · ·	violation	i No. 1	one-time avoided	costs)
Notes for DELAYED costs  Avoided Costs Disposal Personnel	S ANN		· · · · · · · · · · · · · · · · · · ·	entering	n No. 1	one-time avoided	costs) \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	الزر ووادنان المستعدد		· · · · · · · · · · · · · · · · · · ·	entering 0.0 0,0 0,0	Item (except for	one-time avoided	costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	الزر ووادنان المستعدد		· · · · · · · · · · · · · · · · · · ·	violation entering 0.0 0.0 0.0 0.0	No. 1	one-time avoided \$0 \$0 \$0 \$0 \$0	costs)  \$0  \$0  \$0  \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	الزر ووادنان المستعدد		ed costs before	violation  entering  0.0  0.0  0.0  0.0  0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	الزر ووادنان المستعدد		· · · · · · · · · · · · · · · · · · ·	entering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	الزر ووادنان المستعدد		ed costs before	violation  entering  0.0  0.0  0.0  0.0  0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	الزر ووادنان المستعدد		ed costs before	entering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	الزر ووادنان المستعدد		ed costs before	entering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Avoided Costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$25(2)		ed costs before e	violation   viol	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided	costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	الزر ووادنان المستعدد		ed costs before	violation   viol	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$

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Screening Dat	<b>e</b> 5-Feb-2007	Docket	<b>No.</b> 2007-0130-PWS-E		PCW
to the transfer of the second	t City of Megargel			Policy Revision 2 (Se	eptember 2002)
Case ID No	<b>3</b> 2519			PCW Revision De	cember 8, 2006
Reg. Ent. Reference No	<b>.</b> RN101386605				-
Media [Statute	Public Water Supply				ALEXA PER DIVI
Enf. Coordinate					· ·
Violation Number	er 3	•			A DESCRIPTION OF THE PERSON OF
Rule Cite(	s)	30 Tex. Admin. Code § 3	200 111(f)(A)		-
Violation Description	indicating an acute tr	the turbidity level of the comeatment technique violation	bined filter effluent below 5.0 Specifically, the turbidity level han 5.0 NTU for two days in the control of th	el of the	
			Base	Penalty	\$1,000
>> Environmental, Property Releas OR Actu	Harr se Major Moder lal x	n	Percent 25%		
>>Programmatic Matrix Falsificatio  Matrix Failure to r	naintain turbidity levels e	xposes customers to signific	Percent 0%	ch do not	The state of the s
Notes	exceed levels p	protective of human health o	Adjustment	\$750	· ·
					\$250
Violation Events  Number of	Violation Events 6  daily monthly		Number of violation day	· /s	
mark only o with an x			Violation Bas	e Penalty	\$1,500
		x single events are recomme			
Economic Benefit (EB) for	this violation	\$0	Statutory Limit Te  Violation Final Pen		\$1,994
Latinia	itod ED Amount	<u> </u>			
		This violation Final A	ssessed Penalty (adjusted	for limits)	\$1,994

	e Settebbi 0d <b>.</b>	conomic	Benefit W	orks	sheet	ed stady Copies	C 44.50
	t City of Megarg					and the second of the second o	
Case ID No	. 32519						
Reg. Ent. Reference No	. RN101386605						
	a Public Water S	vlagu				- 10 - 10 - 10 - 10 - 10 - 10 - 10 - 10	Years of
Violation No						Percent Interest	Depreciation
Violation (to	The first conseque				ribus all Page 1995	5.0	
	Fredrichte 90.5	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1		news, s	All Marie		********************************
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	n No commas or \$		e Novidizació Kildelickille a LLL is			Coldination Forti	54
Delayed Costs	Strong of Social College		All report the first	militaria.			
Equipment				0,0	\$0	\$0	\$0
Bulldings		Situation of the confi	To delicate the factor	0.0	\$0	\$0	\$0
Other (as needed)		•	r distributes 1.4 ir	0.0	\$0	\$0	\$0
Engineering/construction		and the second	and the same	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	1.17	the state of agent and addition		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal		. In the state of the second	Mark 11 11 169 1231 13	0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	<b>\$</b> 0 .
			100		day barran		
Notes for DELAYED costs			L. Commission of the Commissio		H. S.	dâne Vitogor	
Notes for DELAYED costs  Avoided Costs	s Ann	UALIZE [1] avoid	L. Commission of the Commissio	entering	item (except for	one-time avoided o	osts)
•			L. Commission of the Commissio	entering	item (except for	one-time avoided o	osts)
Avoided Costs	S ANN		L. Commission of the Commissio	entering 0.0 0.0	item (except for	one-time avoided o	sosts) \$0 \$0
Avoided Cost			L. Commission of the Commissio	entering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			L. Commission of the Commissio	entering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided o	\$0 \$0 \$0 \$0 \$0
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			L. Commission of the Commissio	entering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost: Disposal Persolinel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			L. Commission of the Commissio	entering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			L. Commission of the Commissio	entering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost: Disposal Persolinel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			L. Commission of the Commissio	entering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			i i i i i i i i i i i i i i i i i i i	entering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost: Disposal Persolinel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			ed costs before e	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	0 ne-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			ed costs before e	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			ed costs before e	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	0 ne-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			ed costs before e	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	5-Feb-2007	Docket No. 2	2007-0130-PWS-È	PCW
Respondent	City of Megargel		Policy	Revision 2 (September 2002)
Case ID No.	32519		PCV	V Revision December 8, 2006
Reg. Ent. Reference No.	RN101386605	•		AD
Media [Statute]	Public Water Supply			
Enf. Coordinator	Amy Martin			
Violation Number	4	-		
Rule Cite(s)		30 Tex. Admin. Code § 290.1	11(f)(2)	
				<b></b>
Violation Description	Failed to report the respondent failed to r	results of the individual filter mon eport the results of the individual f day in July 2006.	uitoring tests. Specifically, the illiter effluent turbidity test for on	e e
			Base Penalt	<b>y</b> \$1,000
>> Environmental, Property			40 (125)	
Release	Harr Major Moder			
OR Actua	p			
Potentia			Percent 0%	
			· · · · · · · · · · · · · · · · · · ·	
>>Programmatic Matrix	Macrott majorit			,
Falsification	Major Moder			
		X	Percent 1%	
Matrix Notes	Less than	4% of the rule requirement was n	ot met.	
		•		
elingung den der der der der den der der bestätet der	er-macronischt nach bei der	A	djustment \$99	90
		ina (1.57 de la ma). Les males a dimensión de la composition de la composition de la composition de la composi Les compositions de la composition de	LL BURLLEW MACKET WATER	
				\$10
Violation Events				7. V
Violation Events	in the second con-	PARTICIPATE PROPERTY SERVICE SUCCESSION	ELDER SALARAMENT	
Number of V	iolation Events 1	[ [ [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]	Number of violation days	
	L			
	daily			
	monthly		Violation Base Banel	ty \$10
mark only one with an x	quarterly		Violation Base Penal	ty \$10
	semiannual annual			
	single event x			
				<u> </u>
	0	ne single event is recommended.		
Economic Benefit (EB) for the	nis violation		Statutory Limit Test	
Estimate	ed EB Amount	\$158	Violation Final Penalty Tot	al \$13
	L			
The state of the s		This violation Final Assess	sed Penalty (adjusted for limit	s) \$13

Item Cost	Date Required				5.0	Depreciation 15
		Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
All Commence		ersiliner		A florensianii		
		11-11	סמ ו	\$0	\$0	\$0
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			0.0		\$0	\$0
Committee (Contraction)	DOMESTIC AND DESCRIPTIONS				\$0	\$0
FOR EXPENSE OF	TURE CHEESE S					\$0
Table 17.07%	7218643110				n/a	\$0
		- Anna Carlotte Control of the Contr			□ n/a	\$0
					n/a	\$0
		i e disaddala i saa	0.0	\$0	n/a	\$0
			0.0	\$0	n/a	\$0
			0.0	4 -		
		Mår		l \$0.	n/a	4 <b>\$0</b> 4 <sup>8</sup> 6 486801 <u>3</u> 216
ANN	UALIZE [1] avoide	The state of the s	ntering	item (except for	in in garani in one-time avoided c	oj <sup>to</sup> Geronge e costs) jije
oranaeth i an an an an	UALIZE [1] avoide	The state of the s	ntering	Itém (except for	one-time avoided c	costs)
ANN	UALIZE [1] avoide	The state of the s	intering	Item (except for	one-time avoided o	costs) \$0 \$0
oranaeth i an an an an	UALIZE [1] avoide	The state of the s	ntering 0.0 0.0	itém (except for	one-time avoided c \$0 \$0 \$0	sosts)
oranaeth i an an an an	UALIZE [1] avoide	The state of the s	ntering 0.0 0.0 0.0		one-time avoided o	costs) \$0 \$0
oranaeth i an an an an	UALIZE [1] avoide	The state of the s	ntering 0.0 0.0	itém (except for	one-time avoided c \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0
				0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0	0.0 \$0   0	0.0 \$0 \$0   0.0 \$0 \$0   0.0 \$0 \$0   0.0 \$0   0.0 \$0   0.0 \$0 n/a   0.0 \$0 n/a   0.0 \$0 n/a   0.0 \$0 n/a

## **Compliance History**

Customer/	Respondent/Owner-Operator:	CN600341184	City of Megargel		Classification: AVERAG	GE Rating: 0.16	
Regulated	Entity:	RN101386605	CITY OF MEGARG	BEL	Classification:	Site Rating:	
ID Number(s):			PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING		ATION	0050012 0050012	
Location:		902 CEDAR ST, M	EGARGEL, TX, 7637	0			
TCEQ Reg	ion:	REGION 03 - ABIL	.ENE				
Date Compliance History Prepared:		January 22, 2007	January 22, 2007				
Agency Decision Requiring Compliance History:		ory: Enforcement	Enforcement				
Compliance Period:		January 22, 2002	January 22, 2002 to January 22, 2007				
TCEQ Stat	f Member to Contact for Additiona	I Information Regarding this	Compliance History			-	
Name:	Amy Martin	Ph	one: 512-239-	2540			
		011	<b>.</b>			· · · · · · · · · · · · · · · · · · ·	
			Compliance History				
	site been in existence and/or oper			Yes No			
	re been a (known) change in owne vho is the current owner?	ership of the site during the c	ompilance period?				
	who was/were the prior owner(s)?	•		N/A			
				N/A			
	lid the change(s) in ownership occ			<u>N/A</u>			
•	ents (Multimedia) for the Site		arasa of the atota of To	aves and the federal gov	(arnmont		
Α.	Final Enforcement Orders, court j	ludgements, and consent de	crees or the state of Te	exas and the rederal gov	remment.	-	
	N/A				•		
B.	Any criminal convictions of the sta	ate of Texas and the federal	government.			•••• • • • •	
	N/A						
C.	Chronic excessive emissions eve	ents.			•		
	N/A						
D.	The approval dates of investigation	ons. (CCEDS Inv. Track. No.	)				
	1 04/04/2003 (31442)						
	2 12/28/2006 (534746 3 08/19/2004 (291370						
	4 07/26/2005 (401848						
	5 05/24/2006 (463812 6 10/08/2004 (337275						
	6 10/08/2004 (337275 7 12/28/2006 (534750						
	8 12/28/2006 (534752	2)					
	9 03/24/2005 (375465	•		•			
	10 12/19/2006 (531447 11 01/04/2007 (535450	·					
	12 12/28/2006 (534743						
E.	Written notices of violations (NO\	V). (CCEDS Inv. Track. No.)					
	Date: 10/26/2005 (5	31447)					
	Self Report? NO			Classification: Modera	ite		
		C Chapter 290, SubChapter					
	•	with CFE turbidity above 1.0	NTU in June 2005				
		34746)		Classification: Maior			
	Self Report? NO Citation: 30 TA	O Chanter 200 Cut-Ob-	E 200 444/5/45	Classification: Major			
	ĢG 17 (	C Chapter 290, SubChapter s with CFE turbidity reading		ugust 2005			
	•	ys with GPE turbidity reading 334752)	S GEOVE OLD INTO III A	agast 2000			
	Self Report? NO			Classification: Minor			

Citation:

30 TAC Chapter 290, SubChapter F 290.111(f)(2)

1 day when individual filter effluent turbidity was not monitored in July 2006 Description:

Date: 07/26/2005

(401848)

Self Report? NO

Citation:

30 TAC Chapter 290, SubChapter F 290.110(c)(1)(B)

Description:

FAILURE TO COMPLETE SMORS IN ACCORDANCE WITH TCEQ APPROVED

**DISINFECTION PARAMETERS** 

Date: 05/23/2006

(463812)

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.110(c)(1)(B)

Citation: Description:

FAILURE TO COMPLETE SMORS IN ACCORDANCE WITH TCEQ APPROVED

**DISINFECTION PARAMETERS** 

Self Report? NO

30 TAC Chapter 290, SubChapter D 290.46(e)(6)(C)

Citation: Description:

FAILURE TO PROVIDE SURFACE PLANT WITH AUTOMATIC SHUTDOWN

AND ALARMS.

Date: 10/26/2005 (534750)

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Citation: Description:

More than 5% turbidity readings above the 0.3 NTU limit (23%) in August 2005

Date: 08/19/2004

(291370)

Self Report? NO

Citation:

30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)

Description:

FAILURE TO PROVIDE ADEQUATE CERTIFIED PERSONNEL.

Self Report? NO

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description:

FAILURE TO CALIBRATE FLOW MEASURING DEVICES.

Self Report? NO

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter F 290.118(b) FAILURE TO MEET SECONDARY CONSTITUENT LEVEL.

Description: Self Report? NO

Classification: Minor

Classification: Minor

Classification: Minor

Classification: Moderate

Classification: Moderate

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter F 290.121(a)

Description:

FAILURE TO COMPLETE SYSTEM MONITORING PLAN. Classification: Minor

Self Report? NO Citation:

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)

FAILURE TO MAINTAIN LABORATORY CALIBRATION RECORDS. Description:

Date: 04/04/2003

(31442)

Self Report? NO

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)

Description:

FAILURE TO PROVIDE ADEQUATE CERTIFIED PERSONNEL. Classification: Minor

Self Report? NO Citation:

30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description:

FAILURE TO CALIBRATE FLOW MEASURING DEVICES.

Self Report? NO

30 TAC Chapter 290, SubChapter D 290.46(m)

Citation:

Description:

FAILURE TO MAINTAIN FILTER BACKWASH LAGOONS.

Self Report? NO

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter F 290.118(b) FAILURE TO MEET SECONDARY CONSTITUENT LEVEL.

Description:

(534743)

Date: 10/26/2005

Self Report? NO

Classification: Major

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter F 290.111(f)(4)

Description:

2 days with CFE readings above 5.0 NTU in July 2005

F. Environmental audits.

Type of environmental management systems (EMSs). G.

N/A

Η.

Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF MEGARGEL	§	
RN101386605	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2007-0130-PWS-E

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Megargel ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

#### I. FINDINGS OF FACT

1. The City owns and operates a public water system at 902 Cedar Street in Megargel, Archer County, Texas (the "Facility") that has approximately 163 service connections and serves at least 25 people per day for at least 60 days per year.

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'A		

- 2. During a record review on August 11, 2006, TCEQ staff documented that the City did not maintain the turbidity level of the combined filter effluent so as not to exceed 1.0 Nephelometric Turbidity Unit ("NTU"). Specifically, the turbidity level of the combined filter effluent was greater than 1.0 NTU for one day in June 2005.
- 3. During a record review on August 11, 2006, TCEQ staff documented that the City did not maintain the turbidity level of the combined filter effluent so as not to exceed 0.3 NTU in at least 95% of the samples tested each month. Specifically, the turbidity levels of the combined filter effluent were less than or equal to the 0.3 NTU limit in 77% of the samples taken in August 2005.
- 4. During a record review on August 11, 2006, TCEQ staff documented that the City failed to maintain the turbidity level of the combined filter effluent below 5.0 NTU, indicating an acute treatment violation. Specifically, the turbidity level of the combined filter effluent at the facility was greater than 5.0 NTU for two days in July 2005 and four days in August 2005.
- 5. During a record review on August 11, 2006, TCEQ staff documented that the City failed to report the results of the individual filter monitoring tests. Specifically, on their monthly report, the City failed to report the results of the individual filter effluent turbidity test for one day in July 2006.
- 6. The City received notices of the violations dated October 26, 2005 and September 1, 2006.

#### II. CONCLUSIONS OF LAW

- 1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the City failed to maintain the turbidity level of the combined filter effluent so as not to exceed 1.0 Nephelometric Turbidity Unit ("NTU"), in violation of 30 Tex. ADMIN. CODE § 290.111(b)(1)(A)(i).
- 3. As evidenced by Findings of Fact No. 3, the City failed to maintain the turbidity level of the combined filter effluent so as not to exceed 0.3 NTU in at least 95% of the samples tested each month, in violation of 30 Tex. ADMIN. CODE § 290.111(b)(1)(A)(ii).
- 4. As evidenced by Findings of Fact No. 4, the City failed to maintain the turbidity level of the combined filter effluent below 5.0 NTU, in violation of 30 TEX. ADMIN. CODE § 290.111(f)(4).
- 5. As evidenced by Findings of Fact No. 5, the City failed to report the results of the individual filter monitoring tests, in violation of 30 TEX. ADMIN. CODE § 290.111(f)(2).
- 6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 7. An administrative penalty in the amount of Two Thousand Four Hundred Seventy-Three Dollars (\$2,473) is justified by the facts recited in this Agreed Order, and considered in light of the

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(4) If the property of the control of the contro

City of Megargel DOCKET NO. 2007-0130-PWS Page 3

factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The City has paid One Hundred Seventy-Three Dollars (\$173) of the administrative penalty.

The remaining amount of Two Thousand Three Hundred Dollars (\$2,300) of the administrative penalty shall be payable in 23 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

#### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of Two Thousand Four Hundred Seventy-Three Dollars (\$2,473) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Megargel, Docket No. 2007-0130-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The City shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, design and implement process changes to ensure compliance with the required turbidity levels and begin reporting the results of the individual filter monitoring tests, in accordance with 30 Tex. ADMIN. CODE § 290.111.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Public Water Supply Section, Manager Abilene Regional Office Texas Commission on Environmental Quality 1977 Industrial Boulevard Abilene, Texas 79602-7833

- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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- 8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. ADMIN. CODE § 70.10(b) and Tex. GOV'T CODE § 2001.142.

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### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

If the undersigned, have read and understand the attached Agreed Order in the matter of City of Megargel. I am nuthorized to agree to the attached Agreed Order on behalf of City of Mcgargol, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in adcepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, City of Megargel waives pertain procedural rights; including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by mc;
- Referral of this case to the Attorney General's Office for contempt, injunctive relicf, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution,

Name (Printed or typed)

Authorized Representative of

City of Mcgargel

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.